

## **REMARKS**

Claims 1-19 remain pending in the present application. In this response, claims 1, 8, and 14 have been amended. Exemplary support for the amendments can be found at least in the original claims and specification.

Applicants respectfully request the Examiner to reconsider and withdraw the outstanding rejections in view of the foregoing amendments and the following remarks.

### **Rejection under 35 U.S.C. § 101**

Claims 1-7 have been rejected under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter. The rejection is respectfully traversed.

Applicants respectfully submit that independent claim 1 has been amended to recite, *inter alia*, a computer readable medium storing a computer program for causing a computer in a job transmitting device to execute a process. In accordance with at least the foregoing, Applicants respectfully submit that amended independent claim 1 is not software per se.

As such, Applicants respectfully submit that the rejection under 35 U.S.C. § 101 should be withdrawn.

### **Rejection under 35 U.S.C. § 102**

Claims 1-19 have been rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent Number 6,477,570 ("Takayama"). The rejection is respectfully traversed.

Initially, it should be noted that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Amended independent claims 1 and 8 recite, *inter alia*, providing a user with a notification by the job transmitting device before transmitting said job to the job processing device if it is judged that said job cannot be processed in step 3). Independent claim 14 recites, *inter alia*, a notifying unit for providing a user with a notification before transmitting said job to the job processing device if it is judged that said job processing is not executable.

Takayama relates to an information processing system. (Col. 1, lines 7-8). The Examiner points to Takayama's execution notification unit 210, Col. 14, lines 16-30, and Col. 15, lines 5-21 for supporting a disclosure of step 4) recited in the claims.

However, it should be noted that Takayama's execution notification unit 210 is described in reference to the *first* embodiment. See Col. 8, lines 55-57. The description at Col. 14, lines 16-30 and Col. 15, lines 5-21 of Takayama, on the other hand, is in reference to the *ninth* embodiment of Takayama. Accordingly, the Examiner is attempting to combine two distinct embodiments of Takayama without providing a reason for such combination.

Moreover, with reference to the description of the first embodiment of Takayama, the execution notification unit 210 is described to notify a user that a job has been issued to a different apparatus. (Col. 8, lines 55-57). Accordingly, in Takayama, the execution notification unit 210 serves to notify a user *after* a job has

been issued. In contrast, Applicants respectfully submit that in the pending claims the user is notified *before* transmitting the job to the job processing device.

With regard to Takayama's ninth embodiment, a user is notified if the printer which received the job and other network printers cannot process the job. (Col. 15, lines 5-21). Takayama's ninth embodiment also discloses that a user is notified if a different printer (a printer which did not receive the job) performs the job. (Col. 14, lines 51-67 and Col. 15, lines 1-4). Accordingly, in Takayama's ninth embodiment, a user is notified *after* a job has failed to be performed or has been performed. In contrast, Applicants respectfully submit that in the pending claims the user is notified *before* transmitting the job to the job processing device.

Accordingly, Applicants respectfully submit that Takayama fails to disclose or suggest the combination of features recited in amended independent claims 1, 8, and 14.

As such, in view of at least the foregoing, Applicants respectfully submit that the rejection over Takayama should be withdrawn.

### **Conclusion**

Applicants invite the Examiner to contact Applicants' representative at the telephone number listed below if any issues remain in this matter, or if a discussion regarding any portion of the application is desired by the Examiner.

In the event that this paper is not timely filed within the currently set shortened statutory period, Applicants respectfully petition for an appropriate extension of time. The fees for such extension of time may be charged to our Deposit Account No. 02-4800.

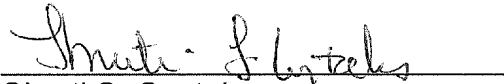
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Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: March 11, 2008

By:

A handwritten signature in dark ink, appearing to read "Shruti S. Costales", is written over a horizontal line.

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